

I. J. SMITH & CO. WINS \$35,000 SUIT FROM CITY

Court of Appeals Rules Against Richmond in Contention Over Mayo Bridge Contract.

OPINION BY JUDGE KEITH

Retiring President of Supreme Bench at Wytheville Sustains Verdict Brought in by Jury in Hastings Court, Part II.—Other Decisions.

In an opinion handed down by the Supreme Court of Appeals, at Wytheville, yesterday, the city of Richmond loses its contention with the contracting firm of I. J. Smith & Co. over the construction of the new Mayo Bridge, and must pay the contractors \$35,000, with interest from the date the bridge was turned over to the city. The Smith firm claimed \$49,000, with interest. The controversy has been pending for several years and was first argued before a Council committee, and later before a jury in the Hastings Court, Part II.

When the city determined to erect a bridge, it invited proposals, each bidder furnishing his own designs. For information of bidders the City Engineer's office furnished to intending bidders a blueprint showing location, length and what was believed to be the true rock bottom of the river at that point. The city has held this blueprint only and was not guaranteed. The contract was awarded to I. J. Smith & Co. of this city, on plans of the Concrete Steel Engineering Company.

When the old Mayo Bridge was dismantled, it was found, to the surprise of all parties, that the plan of the old bridge had not been carried down to solid rock, but in some instances rested most insecurely on rubble, small stones and trash in the river bottom. Inspectors, under direction of City Engineer Bolling, insisted that the contractors carry the new piers down to and anchor them in the solid bedrock of the river.

COMPROMISE OFFERED BY SMITH

When the bridge was completed, after many delays due to high water and other conditions, the Smith Company filed a claim for \$45,000 in addition to the contract price. After negotiations, the city offered to pay \$12,000 for the extra concrete actually used in carrying the piers—in some instances more than had been made. The compromise was rejected, and after a prolonged hearing, the jury reduced the claim of \$45,000 to \$35,000. The city's offer of \$12,000 was rejected, and the case was argued here last fall. The opinion of the Supreme Court, written by Judge Keith, affirms the finding of the trial court.

In the trial, an argument was made before the jury that the city had secured an unusually well-built bridge, and that the bid had been about \$50,000 lower than it should have been. The statement being made that the contractors lost money on the undertaking, unless this claim for extras should be allowed.

The opinion handed down yesterday practically completes the work of Judge Keith on the Supreme bench. He will not hear argument in any further cases, and will retire on Saturday to be succeeded by Judge Frederick Wilmer Sims, of Louisville, Ky. No announcement has been made by the court, but it seems to be anticipated here that Judge R. H. Cardwell will be named as president of the court.

FOURTY-FOUR OPINIONS ARE HANDLED DOWN

(Special to The Times-Dispatch.)

WYTHEVILLE, Va., June 8.—The Court of Appeals handed down forty-four opinions to-day, as follows:

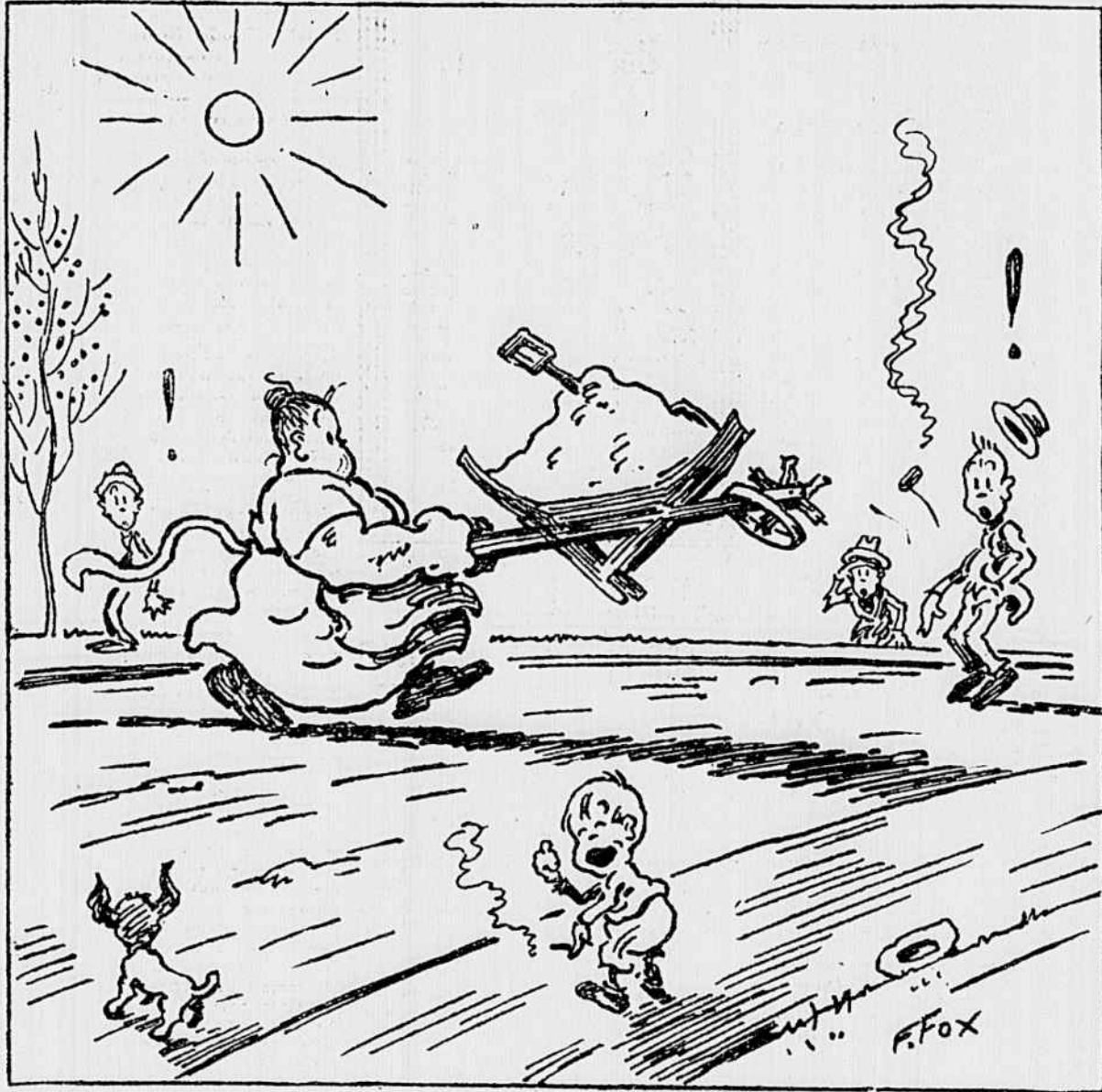
By Judge Keith, president—Clary, et al. vs. Spain, Circuit Court of Brunswick County, decree affirmed. Schmidt vs. surviving executor vs. McManamin, et al., Circuit Court of Elizabeth City County, decree affirmed. City of Portsmouth vs. Johnson, Circuit Court of Portsmouth, judgment affirmed. Hawkes vs. Lowry, Circuit Court of Henrico County, decree affirmed. Smith vs. Welsiefer, Law and Equity Court of city of Richmond, judgment affirmed. Washington and Old Dominion Railway vs. Westinghouse Electric and Manufacturing Company, Circuit Court of Loudoun County, judgment affirmed. City of Richmond vs. I. J. Smith & Co., Inc., Hastings Court, Part II, of city of Richmond, judgment reversed. Harris, et al. vs. City of Richmond, Hastings Court, Part II, of city of Richmond, decree reversed.

By Judge R. H. Cardwell—The Chesapeake and Ohio Railway Company vs. Meadows, Circuit Court of city of Clifton Forge, judgment affirmed. Roller vs. Cooley, et al., Circuit Court of Rockingham County, decree affirmed. Stone Gap Colliery Company vs. Harrison, Circuit Court of Wise County, judgment reversed. Newmarket and Sperryville Turnpike Company vs. Keyser, et al., Circuit Court of Page County, judgment reversed.

By Judge George M. Harrison—Boyce vs. Western Union Telegraph Company, Court of Law and Chancery of city of

The Powerful Katrinka Broke the Wheel-barrow While She Was Bringing Home a Load of Sand for the Baby But it Didn't Make Much Difference. By F. Fox

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Norfolk, judgment affirmed. Murphy's Hotel Company, et al. vs. Benet, Chancery Court of city of Richmond, decree affirmed. Debaun's executrix vs. Debaun, et al., Circuit Court of Norfolk County, decree affirmed. Bracey vs. Commonwealth, Circuit Court of Southampton County, judgment affirmed. Robbins vs. Walker, Circuit Court of city of Norfolk, judgment affirmed. Atlantic Coast Line Railroad Company vs. Virginia Manufacturing Company, Circuit Court of city of Suffolk, judgment affirmed. Sinclair vs. Fairfax, Circuit Court of city of Alexandria, judgment affirmed. Jones, et al. vs. Turner, et al., Circuit Court of city of Norfolk, judgment affirmed. City of Norfolk, judgment affirmed. In part, reversed in part. Turnhill, et al. vs. Buford administrator, et al., Circuit Court of Brunswick County, decree reversed. Circuit Court of Hampton vs. Watson, Circuit Court of Elizabeth City County, judgment reversed.

By Judge Stafford G. Whitte—Parrish vs. Riker, Circuit Court of Culpeper County, judgment affirmed. Collins vs. Doyle's executor, et al., Circuit Court of city of Norfolk, decree affirmed. Berry et al. vs. Berry's executors and trustees, Chancery Court of city of Richmond, decree affirmed. J. R. Wheeler Company vs. Hite, Circuit Court of Brunswick County, judgment affirmed. Shanks et al. vs. the Calvert Mortgage and Deposit Company, et al., Circuit Court of city of Norfolk, decree modified and affirmed. Broad Street Bank et al. vs. Baker Motor Vehicle Company, Hastings Court, Part II, of city of Richmond, judgment reversed. Arandall et al. vs. Arandall et al., Circuit Court of Halifax County, decree reversed. Pennsylvania Railway Company vs. Jenkins, Hastings Court, Part II, of city of Richmond, judgment reversed. By Judge Joseph L. Kelly—Hestetter Corporation Court of city of Lynchburg, decree reversed. Lancaster vs. Stokes, Hastings Court, Part II, of city of Richmond, judgment reversed. By Judge Joseph L. Kelly—Hestetter Corporation Court of city of Norfolk, judgment affirmed. Washington and Old Dominion Railway vs. Ward's administrator, Circuit Court of Alexandria County, judgment affirmed. Peele vs. Bright, Circuit Court of city of Norfolk, judgment affirmed. Security Loan and Trust Company vs. Powell et al., Circuit Court of Princess Anne County, decree affirmed. Hillary vs. Hubbell, Circuit Court of Fauquier County, judgment reversed. Southern Railway Company vs. Mason, Circuit Court of Fauquier County, judgment reversed. Virginia Railway and Power Co. vs. Davidson's administrator, Hastings Court, Part II, of city of Richmond, judgment reversed. Hiden Trustees vs.

Mahanes, Circuit Court of Louisa County, judgment reversed. Stag vs. Taylor's administratrix, Law and Equity Court of city of Richmond, judgment reversed. Virginia Railway and Power Company vs. Winstad's administrator, Circuit Court of city of Norfolk, judgment reversed. Houston vs. Lynchburg Traction and Light Company, Circuit Court of city of Lynchburg, judgment reversed. Chapman and Wife vs. Welton and Miller, Law and Equity Court of city of Richmond, affirmed by divided court.

To-day's proceedings on the argument docket—Haley's Executor vs. Fulton, argued by J. D. Perkins and S. H. Campbell, for appellant, and W. H. Kexley, for appellee, and submitted. Farmers Bank of Southwest Virginia vs. McGavock, argued by E. Lee Trimble, for appellant, and S. B. Campbell and W. S. Poage, for appellee, and continued until to-morrow.

Next cases to be called—Munsey vs. Updike; Hopkins vs. Cliven; Board of Supervisors of Taxwell vs. Norfolk and Western Railway Company; New River, Holston and Western Railroad vs. Honaker and Kroil; Cohen et al. vs. Meador.

DEATHS IN VIRGINIA

Mrs. James W. Braithwaite. Mrs. Bessie Howard Braithwaite, wife of James W. Braithwaite, died yesterday morning at her home, 500 North Twenty-third Street. She was twenty-six years old and the daughter of Mr. and Mrs. O. D. Howard. The funeral will take place this afternoon at 4:30 o'clock from the home.

Joseph H. Broders. ALEXANDRIA, Va., June 8.—Justice of the Peace Joseph H. Broders, of Mt. Vernon District, Fairfax County, died yesterday at his home at Franconia, Fairfax County, after a short illness. He leaves a wife and two children, also three sisters and two brothers, as follows: Miss Sallie Broders and Mrs. George Fultz, Wytheville, Va.; Mrs. Virginia Hagin, New Jersey; Dr. Albert Broders, Rochester, Minn.; and William Broders, Fairfax County.

Mrs. Edmonia Allen. FREDERICKSBURG, Va., June 8.—Mrs. Edmonia Allen, wife of Silas Allen, of King George County, died yesterday at her home, after a brief illness, aged twenty-eight years. She is survived by her husband and three children.

Major R. F. Woodroff. LYNCHBURG, Va., June 8.—Major R. F. Woodroff, aged eighty-five years, a former resident of Lynchburg, died

on Wednesday at his home in Newnan, Ga., where he had lived for some years. He was a brother of Mrs. Ella N. Billard, of Lynchburg.

Mrs. Laura Agnew. ALEXANDRIA, Va., June 8.—Mrs. Laura Agnew, widow of Park Agnew, who at one time was chairman of the

ADDS CRUTCH AND CANE TO VAR-NE-SIS COLLECTION

East Boston Woman, Suffering Five Years From Rheumatism, Gives Credit to Popular Remedy.

"I think it is wonderful what Var-ne-sis has done for me," said Mrs. M. A. Ratelle, of 97 Prescott Street, East Boston, Mass.

"For five years I suffered from rheumatism of the joints, or what the doctors call rheumatic arthritis. The pain seemed to be in every part of my body. My wrists and arms were very painful, and it was with great difficulty that I could use my hands on account of the pain.

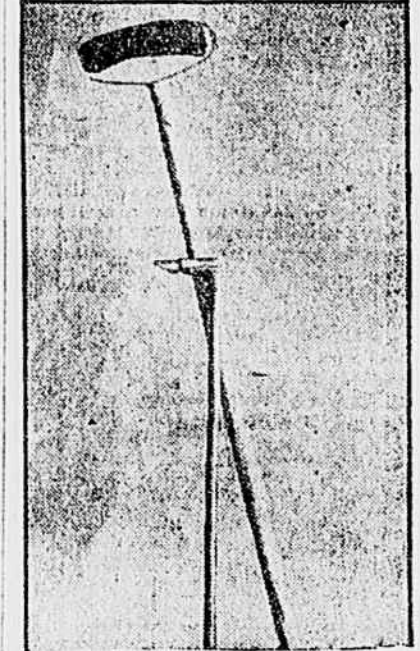


"My knees were swollen, stiff and sore so that I was unable to go up or down stairs; finally they got so bad I had to get about the house with a crutch and a cane. For one year I was unable to leave the house.

"Almost every one that saw me had a sure cure. I followed their suggestions, using all sorts of liniments and remedies without results. One medicine I took for more than a year, but I grew steadily worse. Var-ne-sis was recommended to me by an insurance man, and he seemed to be so enthusiastic I decided to try it, as several of my friends had previously spoken about Var-ne-sis to me.

"It was not long after starting to take Var-ne-sis that I noticed the pain

in my arms was less severe, the stiffness and swelling of the knees slowly disappeared and finally I was able to discard my crutch and cane, which I have given to W. A. Varney for his collection. I feel like a 'new woman' and cannot say enough for Var-ne-sis. I hope others that are suffering like I was will take Var-ne-sis, for I feel grateful to my friends who recommended it."



Var-ne-sis is constantly producing evidence that it conquers rheumatism of all kinds. It is a simple vegetable preparation and does not contain the ordinary rheumatic drugs so often given for this disease. No man or woman suffering from rheumatism can afford to ignore Var-ne-sis—no other preparation produces such evidence.

Send to W. A. Varney, Lynn, Mass., for the "Story of Var-ne-sis." It's free.

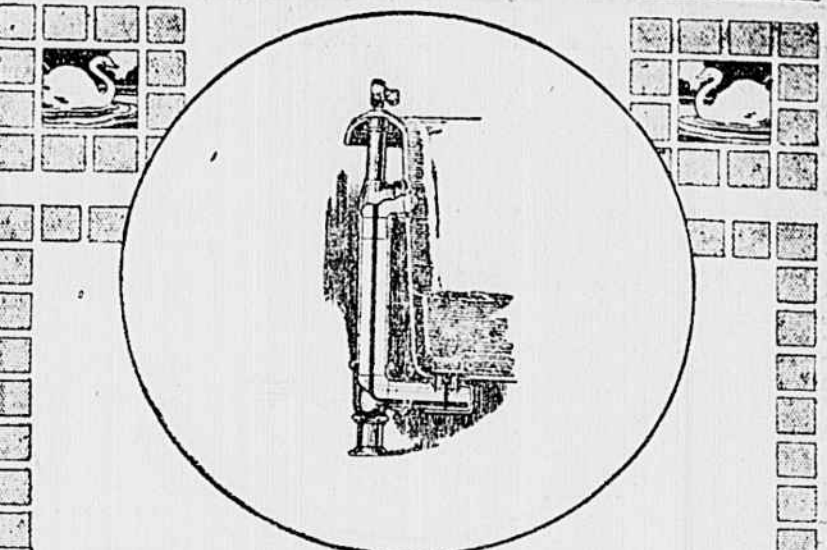
Get Var-ne-sis Now, to-day, at Travel Drug Co. and all reliable druggists.

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Take 25 cents

to your nearest progressive druggist or toilet-goods dealer and get a full size 25-cent package of SANITOL TOOTH POWDER or SANITOL TOOTH PASTE, and a full size 25-cent package of SANITOL FACE POWDER or SANITOL LIQUID SHAMPOO Two Famous Toilet Accessories for the Price of One!

This Offer Expires June 12th Don't Wait! Act Today!



Hajoca Sanitary Waste

The Hajoca Waste is the sanitary accessory for the disposal of used water from bath or lavatory. Its improved construction absolutely prevents the soapy residue from backing up into the bath or bowl for the next user.

Such accessories as this make the beautiful Hajoca bathroom fixtures supreme in sanitary health-protecting service. You must visit our Showrooms and see our display of model bathrooms and separate fixtures to appreciate their value to your home. Our automobile will bring you quickly as our guest if you phone Randolph 4716.

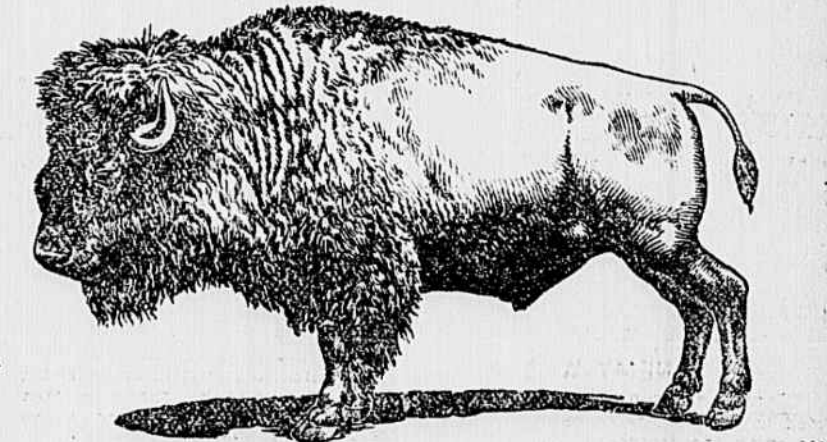
HAINES, JONES & CADBURY Co. 14 and 16 South Ninth Street, Richmond, Va. Hajoca Book free.

Friday Specials POWELL BROS.,

Ladies' Department, 1545 E. Main St.

- One lot of trimmed and untrimmed Hats that sold at \$1.48 and 98c; choice 39c
- One lot of fine trimmed Hats that were \$2.98 to \$4.98; choice... \$1.00
- Just forty-six White Gabardine Skirts, slightly water-stained; were \$1.25; choice 75c
- Just nine Suits in solid colors and checks; were \$10.95; choice \$4.95
- One lot of Boys' Wash Suits and Girls' Wash Dresses, somewhat soiled; were 98c; choice 39c
- Seven All-Silk Taffeta and Crepe de Chine Dresses, mostly in small sizes; were \$14.95; choice \$6.95
- Five Taffeta and Peau de Soie Silk Coat Suits, in black only; were \$25.00 and \$27.50; choice \$11.95

Very Special—Twenty-four All-Wool Plaid and Plain Skirts, in dark colors; were \$2.98 and \$3.98; \$1.29 choice



"THE BUFFALO"

Effective Sunday, June 4, NEW NIGHT TRAIN service was established between Washington, Baltimore, Ithaca (Cornell University), Rochester and Buffalo in each direction, via the Baltimore and Ohio, Reading and Lehigh Valley Railroads.

"THE BUFFALO" northbound is a modern all-steel train of through coaches, with separate Pullman-Drawing-Room-Sleeping cars to Rochester and to Buffalo, with dining car service to Philadelphia.

The train will be known as "THE WASHINGTON" southbound.

The arrangement of the schedules make them particularly desirable trains to and from Germantown District, Philadelphia.

Lv. Washington	6:00 P. M.
Lv. Baltimore (Camden)	6:55 P. M.
Lv. Mount Royal Station	7:00 P. M.
Ar. Philadelphia	9:20 P. M.
Ar. Wayne Junction	9:47 P. M.
Ar. So. Bethlehem	11:15 P. M.
Ar. Ithaca	5:31 A. M.
Ar. Rochester	7:55 A. M.
Ar. Buffalo	7:55 A. M.
Ar. Niagara Falls	9:05 A. M.

Returning, leave Buffalo 8:30 P. M., Rochester 8:10 P. M.; arrive Baltimore 9:50 A. M., Washington 10:50 A. M.

For reservations in sleeping cars and full information call at Ticket Offices, or address

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